

1 KAMALA D. HARRIS
Attorney General of California
2 ARMANDO ZAMBRANO
Supervising Deputy Attorney General
3 ALVARO MEJIA
Deputy Attorney General
4 State Bar No. 216956
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-0083
6 Facsimile: (213) 897-2804

7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2015-106

13 **EDITH RENA GENTRY**
4361 Club Vista Drive
Palmdale, CA 93551

A C C U S A T I O N

14 Registered Nurse License No. 566543

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
20 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
21 Consumer Affairs.

22 2. On or about May 1, 2000, the Board of Registered Nursing (Board) issued Registered
23 Nurse License No. 566543 to Edith Rena Gentry (Respondent). The Registered Nurse License
24 was in full force and effect at all times relevant to the charges brought herein and will expire on
25 October 31, 2015, unless renewed.

26 **JURISDICTION**

27 3. This Accusation is brought before the Board under the authority of the following
28 laws. All section references are to the Business and Professions Code unless otherwise indicated.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100
101
102
103
104
105
106
107
108
109
110
111
112
113
114
115
116
117
118
119
120
121
122
123
124
125
126
127
128
129
130
131
132
133
134
135
136
137
138
139
140
141
142
143
144
145
146
147
148
149
150
151
152
153
154
155
156
157
158
159
160
161
162
163
164
165
166
167
168
169
170
171
172
173
174
175
176
177
178
179
180
181
182
183
184
185
186
187
188
189
190
191
192
193
194
195
196
197
198
199
200
201
202
203
204
205
206
207
208
209
210
211
212
213
214
215
216
217
218
219
220
221
222
223
224
225
226
227
228
229
230
231
232
233
234
235
236
237
238
239
240
241
242
243
244
245
246
247
248
249
250
251
252
253
254
255
256
257
258
259
260
261
262
263
264
265
266
267
268
269
270
271
272
273
274
275
276
277
278
279
280
281
282
283
284
285
286
287
288
289
290
291
292
293
294
295
296
297
298
299
300
301
302
303
304
305
306
307
308
309
310
311
312
313
314
315
316
317
318
319
320
321
322
323
324
325
326
327
328
329
330
331
332
333
334
335
336
337
338
339
340
341
342
343
344
345
346
347
348
349
350
351
352
353
354
355
356
357
358
359
360
361
362
363
364
365
366
367
368
369
370
371
372
373
374
375
376
377
378
379
380
381
382
383
384
385
386
387
388
389
390
391
392
393
394
395
396
397
398
399
400
401
402
403
404
405
406
407
408
409
410
411
412
413
414
415
416
417
418
419
420
421
422
423
424
425
426
427
428
429
430
431
432
433
434
435
436
437
438
439
440
441
442
443
444
445
446
447
448
449
450
451
452
453
454
455
456
457
458
459
460
461
462
463
464
465
466
467
468
469
470
471
472
473
474
475
476
477
478
479
480
481
482
483
484
485
486
487
488
489
490
491
492
493
494
495
496
497
498
499
500
501
502
503
504
505
506
507
508
509
510
511
512
513
514
515
516
517
518
519
520
521
522
523
524
525
526
527
528
529
530
531
532
533
534
535
536
537
538
539
540
541
542
543
544
545
546
547
548
549
550
551
552
553
554
555
556
557
558
559
560
561
562
563
564
565
566
567
568
569
570
571
572
573
574
575
576
577
578
579
580
581
582
583
584
585
586
587
588
589
590
591
592
593
594
595
596
597
598
599
600
601
602
603
604
605
606
607
608
609
610
611
612
613
614
615
616
617
618
619
620
621
622
623
624
625
626
627
628
629
630
631
632
633
634
635
636
637
638
639
640
641
642
643
644
645
646
647
648
649
650
651
652
653
654
655
656
657
658
659
660
661
662
663
664
665
666
667
668
669
670
671
672
673
674
675
676
677
678
679
680
681
682
683
684
685
686
687
688
689
690
691
692
693
694
695
696
697
698
699
700
701
702
703
704
705
706
707
708
709
710
711
712
713
714
715
716
717
718
719
720
721
722
723
724
725
726
727
728
729
730
731
732
733
734
735
736
737
738
739
740
741
742
743
744
745
746
747
748
749
750
751
752
753
754
755
756
757
758
759
760
761
762
763
764
765
766
767
768
769
770
771
772
773
774
775
776
777
778
779
780
781
782
783
784
785
786
787
788
789
790
791
792
793
794
795
796
797
798
799
800
801
802
803
804
805
806
807
808
809
810
811
812
813
814
815
816
817
818
819
820
821
822
823
824
825
826
827
828
829
830
831
832
833
834
835
836
837
838
839
840
84

5. Section 490 states, in pertinent part:

"(b) Notwithstanding any other provision of law, a board may exercise any authority to discipline a licensee for conviction of a crime that is independent of the authority granted under division (a) only if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the licensee's license was issued.

6. Section 2750 provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 27 (commencing with section 2750) of the Nursing Practice Act.

7. Section 2761 states, in pertinent part:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"(a) Unprofessional conduct, which includes, but is not limited to, the following:

• • • •

///

1 "(d) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
2 violating of, or conspiring to violate any provision or term of this chapter [the Nursing Practice
3 Act] or regulations adopted pursuant to it.

4

5 "(f) Conviction of a felony or of any offense substantially related to the qualifications,
6 functions, and duties of a registered nurse, in which event the record of the conviction shall be
7 conclusive evidence thereof."

8 8. Section 2762 states, in pertinent part:

9 "In addition to other acts constituting unprofessional conduct within the meaning of this
10 chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this
11 chapter to do any of the following:

12

13 "(b) Use any controlled substance as defined in Division 10 (commencing with Section
14 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in
15 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to
16 himself or herself, any other person, or the public or to the extent that such use impairs his or her
17 ability to conduct with safety to the public the practice authorized by his or her license."

18 9. Section 2764 provides, in pertinent part, that the expiration of a license shall not
19 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or
20 to render a decision imposing discipline on the license. Under section 2811(b) of the Code, the
21 Board may renew an expired license at any time within eight years after the expiration.

22 COST RECOVERY

23 10. Section 125.3 provides, in pertinent part, that the Board may request the
24 administrative law judge to direct a licentiate found to have committed a violation or violations of
25 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
26 enforcement of the case.

27 ///

28 ///

1

2

20

21

22

2.

2

1 a. On or about August 15, 2012, after pleading nolo contendere, Respondent was
2 convicted of one misdemeanor count of violating Vehicle Code section 23103 [wet reckless
3 driving] in the criminal proceeding entitled *The People of the State of California v. Edith Rena*
4 *Gentry* (Super. Ct. Los Angeles County, 2012, No. 2NW01241.) The Court placed Respondent
5 on 24 months probation, with terms and conditions, including completion of a 3-month licensed
6 first-offender alcohol education program.

7 b. The circumstances surrounding the conviction are that on or about April 4, 2012,
8 Respondent was stopped by the California Highway Patrol after weaving in and out of her lane.
9 While speaking to Respondent, the officer detected a strong odor of an alcoholic beverage
10 emitting from within the interior of the vehicle. Respondent was observed to have red, watery
11 eyes. Respondent admitted to having one glass of champagne. During the booking process,
12 Respondent submitted to a breath test that resulted in a breath-alcohol content level of 0.11% on
13 the first reading and 0.10% on the second.

14 **SECOND CAUSE FOR DISCIPLINE**

15 **(Dangerous Use of Alcohol)**

16 13. Respondent is subject to disciplinary action under section 2761, subdivision (a), and
17 section 2762, subdivision (b), on the grounds of unprofessional conduct, in that on or about April
18 4, 2012 and on or about November 5, 2012, Respondent used alcohol to an extent or in a manner
19 dangerous or injurious to herself or others. Complainant refers to and by this reference
20 incorporates, the allegations set forth above in paragraphs 11 through 12, inclusive, as though set
21 forth fully.

22 **THIRD CAUSE FOR DISCIPLINE**

23 **(Unprofessional Conduct/ Violation of Nursing Practice Act)**

24 14. Respondent is subject to disciplinary action under section 2761, subdivisions (a) and /
25 or (d), in that Respondent committed acts of unprofessional conduct and / or violated the Nursing
26 Practice Act. Complainant refers to and by this reference incorporates, the allegations set forth
27 above in paragraphs 11 through 12, inclusive, as though set forth fully.

28 ///

1 DISCIPLINARY CONSIDERATIONS

2 15. In order to determine the degree of discipline, if any to be imposed on Respondent,
3 Complainant alleges, as follows:

4 a. On or about April 4, 1986, Respondent was convicted of one felony count of violating
5 Health and Safety Code section 11352 [sale of a controlled substance] in the criminal proceeding
6 entitled *The People of the State of California v. Edith Rene Gentry* (Super. Ct. Los Angeles
7 County, 1986, No. A767429.) The Court sentenced Respondent to serve 90 days in Los Angeles
8 County Jail and placed her on 26 months probation.

9 b. The circumstances surrounding the conviction are that on or about May 31, 1985,
10 Respondent sold rock cocaine to an undercover police officer.

11 PRAYER

12 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
13 and that following the hearing, the Board issue a decision:

- 14 1. Revoking or suspending Registered Nurse License No. 566543, issued to Respondent
15 Edith Rena Gentry;
- 16 2. Ordering Respondent Edith Rena Gentry to pay the Board the reasonable costs of the
17 investigation and enforcement of this case, pursuant to section 125.3; and
- 18 3. Taking such other and further action as deemed necessary and proper.
- 19

20 DATED: AUGUST 8, 2014

21 Louise R. Bailey
22 LOUISE R. BAILEY, M.ED., RN
23 Executive Officer
24 Board of Registered Nursing
25 Department of Consumer Affairs
26 State of California
27 Complainant
28

DOJ Matter ID: LA2013509289
61233878.doc